

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ITV DIRECT, INC.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04-CV-10421-JLT
)	
HEALTHY SOLUTIONS, LLC, et al.)	
)	
Defendants.)	
)	
CAPPSEALS, INC.,)	
)	
Plaintiff-in-Intervention,)	
)	
v.)	
)	
HEALTHY SOLUTIONS, LLC, d/b/a)	
DIRECT BUSINESS CONCEPTS; ITV)	
DIRECT, INC. and DIRECT)	
FULFILLMENT, LLC,)	
)	
Intervenor-Defendants)	
)	

NOTICE OF APPEAL

Notice is hereby given that Plaintiff and Intervenor-Defendant ITV Direct, Inc. (“ITV”) and Intervenor-Defendant ITV Direct Fulfillment, Inc. (“Direct Fulfillment”), hereby appeal to the United States Court of Appeals for the First Circuit from: (1) the Judgment dated July 28, 2005, entering judgment pursuant to Fed. R. Civ. P. 54(b) in favor of Healthy Solutions, LLC (“Healthy Solutions”) and against and Direct Fulfillment on Healthy Solutions’ claim for goods sold and delivered; (2) the Memorandum and Order dated July 20, 2005 granting Plaintiff-in-Intervention Cappseals, Inc.’s (“Cappseals”) Motion for Summary Judgment, and (3) the

Judgment dated August 3, 2005, entering judgment pursuant to Fed. R. Civ. P. 54(b) in favor of Cappseals and against ITV and Direct Fulfillment on Cappseals' claim for reach and apply.

Respectfully submitted,

ITV DIRECT, INC. AND DIRECT
FULFILLMENT

By their attorneys,

/s/ Susan W. Gelwick

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